

STATEMENT OF CHARLES E. WEITHONER, ASSOCIATE ADMINISTRATOR FOR
ADMINISTRATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE
HOUSE COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON LABOR
STANDARDS, CONCERNING THE FEDERAL EMPLOYEES' COMPENSATION ACT.
MARCH 6, 1980.

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss the
Federal Aviation Administration's role in the administration
of the Federal Employees' Compensation Act.

It is my understanding that several concerns have been
expressed to the Subcommittee about the FAA's role in
administering FECA claims. Those concerns are that the FAA
controverts too many compensation claims; that the FAA and
OWCP take too much time processing claims; and that the FAA
has resisted the reinstatement of air traffic controllers who
are no longer disabled. Let me briefly address these
concerns.

Federal agencies such as the FAA have a dual role in carrying
out the mandates of the Federal Employees' Compensation Act.
We have an obligation on the one hand to fairly compensate
those employees who are disabled, temporarily or permanently,
as the result of a job related injury or condition. That
obligation is one we fully support. At the same time,

though, we have an obligation to ensure that Federal funds are being properly expended. In the context of FECA, we believe that imposes a duty upon us to assess claims presented to the agency, to controvert those which do not appear to be job related, and to furnish to OWCP information which appears to be relevant to claims.

The FAA is extremely interested in the proper administration and application of the Federal Employees' Compensation Act. And we believe that the cost of FECA to the government warrants our interest and attention. In the last fiscal year alone, the FAA paid out nearly \$42,000,000 in FECA claims. In addition, \$667,000 was paid for "Continuation of Pay" claims for traumatic injury. Though costs remain high, I should point out that we have seen a favorable trend downward in terms of numbers of OWCP occupational illness claims filed by FAA employees. In fiscal year 1977, there were 556 claims; that declined to 411 in fiscal year 1978; and, in fiscal year 1979, there were 277.

With respect to the claim that the FAA is controverting too many claims for continuation of pay, I should mention that this concern has not been raised to me before. I can only speculate that it may be related to actions we have taken in dealing with an extremely large number of air traffic

controller claims in what are referred to as "ear tone" or "ear blast" cases, purportedly caused by the level of ear tones in the controllers' headsets. During fiscal years 1978 and 1979, air traffic controllers in the Rocky Mountain Region alone filed 160 such claims for continuation of pay under FECA.

We have typically sought to controvert controller's claims for ear tone damage because of the results of a study conducted by the FAA at various FAA facilities. That study demonstrates that the pitch and intensity of sounds emanating from controllers' headsets are neither capable of causing a "traumatic injury" nor capable of causing a disabling occupational condition. Thus, we have generally made this study available to OWCP district offices for their consideration in the evaluation of ear tone claims.

Another area which may have raised concerns about the FAA's handling of FECA claims is with anxiety/stress related claims filed by controllers pursuant to the occupational disease or illness provisions of FECA. It is a widely held belief that controlling traffic is a highly stressful job. Apparently based upon that assumption, OWCP was routinely approving stress claims with few questions ever raised about their

validity or their job relatedness. However, a 1978 Boston University School of Medicine Study, performed over a five-year period, has shown that controllers' "anxiety and depression were experienced at levels equal to or less than that experienced in general populations of non-patients," thus disputing the common assumption that controlling traffic leads to occupational illness. We have made that study available to a number of OWCP offices, and, in cases in which the FAA had medical evidence which did not support an employee's anxiety/stress claim, we have made that information available to OWCP for its consideration.

Let me turn now to the concern raised with the Subcommittee that the FAA takes too long to process FECA claims. Though I am well aware of employee concerns about the length of time OWCP takes in handling claims, this is the first I've heard about the length of time it takes for the FAA's regions to act on OWCP claims. I should note that the FAA's handling of FECA claims is decentralized, with primary responsibility placed in our thirteen regional offices.

I would like to briefly describe how our regions process FECA claims. When an employee presents a compensation claim to a facility, and we have literally hundreds of facilities

throughout the country, the employee's supervisor and any witnesses are requested to prepare a statement as to how the incident occurred. In addition, locally available medical information will frequently be obtained. This information is forwarded to the FAA regional office where the claim forms and supporting information are verified for accuracy and completeness. The regional flight surgeon is then requested to review questionable claims, and to supply relevant medical data. The completed forms, supporting data, medical records and any agency remarks are then forwarded to the OWCP district office for its action.

As I previously mentioned, FAA processes FECA claims at the regional level. To get a handle on the length of time it takes to process claims, we contacted five of our regions. A survey of these regions indicates that the time we take to process and forward claims to OWCP ranges from about two weeks to six weeks, with complex or incomplete claims sometimes taking longer to process. Though I recognize that some portion of that time is taken up by the time it takes for forms to be mailed from a facility to a regional office, it still seems to me that the upper range of our processing time is too long, barring unusual circumstances. Therefore, our Washington and regional offices are being asked to see what can be done to speed up our part of the process.

The length of time OWCP requires to process compensation claims is, of course, largely out of our hands. A survey of OWCP processing time indicates that 70% of the FAA claims adjudicated in FY 1979 required more than 6 months for OWCP to make a final determination, with a number of claims taking up to one full year to be resolved. We have seen some improvements in OWCP's processing time, particularly in the Jacksonville District Office.

On the subject of rehiring formerly disabled air traffic controllers, the FAA recently reassessed its position and revised its former policies in that respect. A new FAA directive, which will make it easier for some controllers to be reinstated, was issued on February 8, 1980. We have also proposed revisions to our air traffic controller medical standards which, if approved by the Office of Personnel Management, will make it easier for some formerly disabled controllers to meet our medical standards for reemployment.

I might note, though, that the high level of benefits provided employees under FECA offers little incentive to seek Federal reemployment. Let me provide a recent example. At the request of one of our regions, the OWCP district office furnished a list of approximately 50 former FAA employees who

were receiving FECA benefits. After eliminating five permanently disabled employees from employment consideration, the region sent letters to the remaining individuals requesting them to submit a current employment application to the FAA for employment consideration. Four letters were returned unclaimed. Nine former employees failed to respond; five responded but failed to submit an application; five were already employed notwithstanding OWCP records which indicated they were temporarily totally disabled; four submitted incomplete applications; the remaining eighteen submitted properly completed applications.

The region analyzed the eighteen completed applications for possible job assignments taking into consideration such things as the employee's availability, education, and medical qualifications. This information was then transmitted to OWCP for further medical evaluations and determination by OWCP as to whether the employees were physically capable of performing the requirements of the available jobs.

Pursuant to OWCP's recommendations, two out of the eighteen employees who had submitted completed application forms were offered employment with FAA. One failed to report for work; the other claimed he was physically incapable of performing

the job requirements. The remaining 16 employees, who submitted completed applications, are presently being reviewed by OWCP for possible reemployment.

The OWCP district office has informed our regional office that they will conduct further investigations of those claimants who either failed to respond to FAA's inquiry or provided incomplete information. Two other FAA regions have already initiated similar efforts in an aggressive attempt to consider former employees who are receiving FECA payments for reemployment with the FAA.

In closing, Mr. Chairman, I want to assure you that the FAA agrees both in principle and in practice with the purpose of FECA to fairly compensate employees who suffer job related disabilities. We feel no less of an obligation, though, to protect against unwarranted Federal compensation payments by making our views known to OWCP when evidence in our possession does not support the job related nature of a disability claim.

That completes my prepared statement, Mr. Chairman. We will be pleased to respond to any questions you may have at this time.

1